

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
CHARLOTTESVILLE DIVISION**

UNITED STATES OF AMERICA,)	Criminal Action No. 3:07-cr-00019
)	
v.)	<u>2255 FINAL ORDER</u>
)	
KELVIN SMITH)	By: Norman K. Moon
)	United States District Judge

In accordance with the accompanying Memorandum Opinion, it is hereby **ORDERED** and **ADJUDGED** that the government's motion to dismiss is **GRANTED** and the above referenced motion, pursuant to 28 U.S.C. § 2255, is hereby **DISMISSED**. This action shall be **STRICKEN** from the active docket of the court.

Further, finding that Smith has failed to make a substantial showing of the denial of a constitutional right as required by 28 U.S.C. § 2253(c)(1), a certificate of appealability is **DENIED**.

The Clerk is directed to send copies of this order and the accompanying memorandum opinion to the parties.

Entered this 29th day of October, 2010.



NORMAN K. MOON
UNITED STATES DISTRICT JUDGE